

**THE HON'BLE SRI JUSTICE V.V.S.RAO**

WRIT PETITION No.14184 OF 2006

**3<sup>rd</sup> AUGUST, 2006**

BETWEEN

Chimmula Jangamma

... Petitioner

vs.

The Sub Registrar, Government of Andhra Pradesh, Kalwakurthy and others.

... Respondents

**THE HON'BLE SRI JUSTICE V.V.S.RAO**

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**ORDER:**

The petitioner is sister of one Buchi Reddy, who is husband of eighth respondent. The petitioner alleges that land admeasuring Acs.2.20 guntas in survey No.49/E and land admeasuring Acs.3.00 in survey No.49/A of Kalwakurthy village belongs to her mother. The petitioner alleges that her mother stayed with her till the death and during her lifetime, she executed a registered Will on 19.01.2000 in her favour. After the death of mother, disputes arose between the petitioner and her brother. Her brother approached the Mandal Revenue Officer (MRO) for mutation of the land in his favour. The MRO effected necessary changes in the Pattadar Pass Books (PPB) and title deeds. However, on a complaint made by the petitioner, MRO Kalwakurthy, cancelled the changes made earlier. Aggrieved by the same, the eighth respondent filed an appeal before the Revenue Divisional Officer (RDO), Mahaboobnagar, who set aside the order of the MRO. The petitioner thus approached the Joint Collector by way of Revision. While the same was pending, the petitioner's younger brother Buchi Reddy and his wife, eighth respondent herein, filed O.S.No.16 of 2001 on the file of the Court of the Principal Junior Civil Judge, Kalwakurthy, for permanent injunction. The injunction granted earlier was vacated on 03.11.2001. Aggrieved by which, Buchi Reddy filed C.M.A.No.51 of 2001 on the file of the Court of the District Judge,

Mahaboobnagar, which is pending. Again the petitioner's brother along with the eighth respondent filed O.S.No.17 of 2001 on the file of the Court of the Principal District Judge, Mahaboobnagar, for declaration of the registered Will, dated 19.01.2001 as null and void. While the same was pending, the petitioner approached the Sub Registrar, Kalwakarthy, first respondent herein, and gave a representation requesting not to register sale deeds executed by her brother and eighth respondent. The petitioner also alleges that the value of the land is Rs.200/- per square yard. In spite of the same, first respondent did not conduct any enquiry. In the meanwhile, eighth respondent executed sale deeds in favour of respondents 2 to 7 on 02.02.2006 showing the market value at Rs.18,000/- per Acre for the lands comprised in survey No.43/E and 49/A. Therefore, again the petitioner make another application, dated 05.05.2006, requesting the first respondent to conduct enquiry, in vain. Therefore, the petitioner filed the present writ petition seeking a writ of Mandamus declaring the action of the first respondent in not conducting enquiry about deficit stamp duty paid by respondents 2 to 7 in execution of the sale deeds on 02.02.2006, as illegal and arbitrary and for a consequential direction to declare the sale deeds as not valid in the eye of law.

The matter was initially listed before this Court on 13.07.2006 and at the request of the learned Assistant Government Pleader, the matter was adjourned to enable him to get instructions in the matter. Subsequently, the matter was adjourned at the request of the learned counsel for the petitioner on 20.07.2006 and 27.07.2006. When the case is called on 03.08.2006, again a request is made for adjournment. This Court refused adjournment as the writ petition itself is not maintainable.

The petitioner seeks two reliefs. One to declare the sale deeds executed by eighth respondent in favour of respondents 2 to 7 as not valid in the eye of law. If the petitioner is aggrieved by such sale deeds, which are likely to defeat her right, title and interest, her remedy lies in filing a suit for declaration under Section 34 of the Specific Relief Act, 1963, and a writ petition would not lie. Insofar as deficit duty is concerned, the learned Assistant Government Pleader on instructions submits that the sale deeds presented and registered on 02.02.2006 showing the market value of the land in survey No.43/E and 49/A at the rate of Rs.18,000/- per acre and Rs.40,000/- per acre respectively were returned to the parties informing them that as the land is converted into house sites the value/market value for the purpose of stamp duty would be Rs.200/- per square yard. On being informed, respondents 2 to 7 agreed to pay the deficit stamp duty and registration, which is on the difference of market value of Rs.200/- per square yard. Therefore, the grievance if any of the petitioner is sufficiently redressed and it must also be held that the first respondent has taken proper action.

The writ petition is wholly misconceived and is accordingly

dismissed. No costs.

**(V.V.S.RAO,J)**

03.08.2006

pln